

### **III. REMARKS**

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

#### **Claim Rejections**

Claims 1-4 and 11-14 are rejected under 35 U.S.C. §102(b) as being anticipated by Ishimura et al. (US 6,424,615B1).

Claims 5, 6, 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ishimura et al. (US 6,424,615B1) in view of Okamoto et al. (US 2001/0055246A1).

Claims 7 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ishimura et al. (US 6,424,615B1) in view of Misaizu (US 6,594,214B1).

Claims 8 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ishimura et al. (US 6,424,615B1) in view of Nonaka et al. (US 5,471,441).

Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ishimura et al. (US 6,424,615B1) in view of Nonaka et al. (US 5,471,441) and Kono (US 5,305,296).

**Claim Amendments**

By this Amendment, Applicant has amended claims 1 and 11 of this application, wherein "session comprising...a lead-out area" is disclosed in page 4, lines 25-27 and "skips/skipping reading the lead-out area" is disclosed in page 5, line 11 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. §112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

**Regarding the Rejections of Claims 1-4, 5, 6, 11-14 and 16**

In the Office Action, Examiner states claims 1-4 and 11-14 are rejected under 35 U.S.C. §102(b) as being anticipated by Ishimura et al. (US 6,424,615B1), and claims 5, 6, 15 and 16 are rejected under 35 U.S.C. §103(a) further in view of Okamoto et al. (US 2001/0055246A1).

In the amended claims 1 and 11, *"skipping reading the lead-out area"*(amended claim 1) or *"skips reading the lead-out area"*(amended claim 11) is not disclosed by Ishimura et al. or Okamoto et al.; on the contrary, the method disclosed by Ishimura et al. have to consider the relative information about lead-out area to realize the purpose of accessing higher density storage media or larger storage-capacity storage media (referring to ABSTRACT and BACKGROUND OF THE INVENTION of Ishimura et al.). Regarding what is disclosed by Okamoto et al., it does not concentrate on the reading process on lead-out area; in fact, the detecting means or the searching means disclosed by Okamoto et al. involves searching terminal end position of an gap portion (in

claim 1), and in common case, it is rarely avoidable to access lead-out area (for example, paragraphs [047]-[050]).

In the claims 5 and 15, *the term "non-data track" is named to show the record stored thereon is distinct from (nominal) data track (defined in ISO/IEC 10149 specification also called Yellow Book); in other words, the non-data track is still recordable for information and not unusable track due to physical defects. An obvious example of the non-data track is audio track (defined in IEC 908 specification also called Red Book) (as the claims 6 and 16), and it has itself format different to the data track. On the contrary, the term "gap" (no sound, as defined by Okamoto et al.) is named to be relative to audio track (or area with audio information stored thereon), and in common cases, "gap" would be data track (or area with data information stored thereon) rather than non-data track (even audio track).*

In addition, *"gap" is defined as area, not track, with no sound, which is clearly demonstrated in FIG. 1 or 2 disclosed by Okamoto et al. The skipped area shown in FIG. 1 or 2 is over a track. So it is not proper to take "gap" as a track. On the contrary, the non-data track is still a usable track with information stored thereon, just not a (nominal) data track. Obviously, the prior art is basically concerned for accessing audio information stored on an CD-R; for example, Ishimura et al. often emphasize the storage capacity of CD-R in time domain, and Okamoto et al. is mainly concerned for searching where is the gap (no sound) so as to improve operability and efficiency of accessing storage area with sound (compared to "audio track" relatively to "no sound"). That is, what is disclosed by both Ishimura et al. and Okamoto et al. is based on accessing audio tracks which are not accessed in this application.*

Therefore, amended claims 1-4, 6, 11-14 and 16 are not disclosed through by both Ishimura et al. and Okamoto et al. and are now in condition for allowance.

**Regarding Other Claims 7-10 and 17-20**

All other claims have dependency relationship with amended claims 1 and 11. If amended claims 1 and 11 have overcome the rejections, all other claims 7-10 and 17-20 should be found allowable for the reasons discussed in pertinent portions associated with their independent claims, as well as for their own additional features.

**IV. CONCLUSION**

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

July 28, 2008



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